

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
Thursday, April 7, 2022, at 6:00 PM
Alton Town Hall**

MEMBERS PRESENT

Thomas Lee, Chair
Paul Monziona, Vice Chair
Frank Rich, Member/clerk
Paul LaRochelle, Selectman's Representative
Tim Morgan, Member
Mike Hepworth, Alternate Member
Mark Manning, Alternate Member

OTHERS PRESENT

John Dever, III, Code Enforcement Officer	Joe Princepato
Chris Boldt, Esq.	Bud Newhouse
Joe Puzzo, applicant	Mary Michaud
Lisa Nicastro, applicant	Jen McCullough
John Goodrich, applicant	Carol Collins
Don Goodrich	Chuck Collins
Paul Smith	Maureen Kalfas
Tom Hackett	Bill O'Brien
W. Richard Doerre	Madelyn O'Brien
Gloria Proulx	Sarah Hill
David Avery	Louis Amico
Matt Collins	Josephine Amico
Al Gregmont	Mike Bozek
Bill Holway	Hon Matarozzo
Peter Prophy	Susan Gower
Teresa Puzzo	Daniel Crozier
Candy Buonopane	Tamara Loulace
David Buonopane	Warren Dahl
Nichola Buonopane	Robert Gordon
David Reizomarie	Deb Hews
Karen Lank	Joseph Macdonald
Susan Partington	Alex Wentworth
Lisa Partington	Mike Currier
David Hayes	Daniel Roche
B. Sullivan	Bob Barnette
Nancy Lane	Brian Sullivan

CALL TO ORDER

Chair Lee called the meeting to order at 6:07PM.

INTRODUCTION OF BOARD MEMBERS

Roll Call was taken for the Board members and individuals present at Town Hall.

APPOINTMENT OF ALTERNATES

Mr. Morgan made a motion to appoint Mr. Hepworth for Case Z21-29. Mr. Rich seconded the motion. Motion passed, 5-0-0.

Chair Lee stated there will be no new cases after 10:00PM.

STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Zoning Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds that the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal, but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a Variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a Special Exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance have been or will be met.

APPROVAL OF AGENDA

The Board reviewed the agenda. No changes were made.

Mr. LaRochelle made a motion to approve the agenda as presented. Mr. Rich seconded the motion. Motion passed, 5-0-0.

REHEARING

Case #Z21-29 John Goodrich & Lisa Nicastro, Owners	Map 9 Lot 33-2 239 Henry Wilson Hwy.	Rehearing for Special Exception Residential Rural (RR) Zone
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A Rehearing for a **Special Exception** is requested from **Article 400, Section 401 D. 17.** of the Zoning Ordinance to permit a Contractor's Yard as defined in the Zoning Ordinance.

Vice Chair Monziona recused himself from this case.

Chair Lee read the public notice into the record.

Chris Boldt, Esq., representative for applicants, stated they want to show that the plans satisfy the criteria for a contractor's yard in the rural residential zone. He presented an aerial photograph showing the lot; he explained where the equipment trucks are parked on the 6.67 acre lot; it has frontage on Route 11 with the contractors' yard to the front of the lot. There is a shared driveway with the adjacent lot, 33-2. It has a house for the applicants on the lot. He stated Mr. Monziona's house is in the back; the distance from the contractor's yard to the property line is about 300'; to the back of the house it's about 500'. He explained there is a farmstand across Old Route 11 as well as camping cabins in the trees; there is an easement that runs to the applicants' property from the back road. Mr. Boldt stated there were concerns about a 2009 plan which was in the original materials presented but it was not officially approved. He stated the designer asked that the plan not be included as it's not for this project. He stated there is no requirement for a survey

plan. Mr. Boldt stated the barn is preexisting and is mixed use but if the Board doesn't want it part of the contractor's yard, they won't include it. He stated there was a concern expressed about the piles of materials on the lot currently; he stated it is materials that have come from the lot itself; he explained the applicants are not open to the public with materials but they run a trucking company. One pile is loam to be used on the property. A rock wall is being built for aesthetics. Mr. Boldt stated this yard has been operating for five years now as the applicants weren't aware that a special exception was needed. He outlined the requirements for a contractor's yard that were in place when the applicants' started, noting the requirements were changed in 2018 and distributed copies of the ordinances.

Mr. Boldt presented a copy of a recorded plan from 1981 which is the original subdivision plans for this lot and shows the lot and the common driveway from Route 11. He stated the site is appropriate for the use and explained there is heavy vegetation on the two sides closet to the yard; it is large lot for the area and larger than abutting lots. He stated there was a question at the last meeting in regard to the opinion of New Hampshire Department of Transportation; he presented a letter indicating there are no concerns from NH DOT for the driveway into Route 11.

Mr. Boldt outlined the special exception which indicates it is an allowed use when certain criteria are met; he stated factual evidence has not been found that surrounding values of properties will be diminished. Letters from appraisers and realtors were presented including appraiser Scott Dunn, Paula Fuller, indicating values will not be diminished. He stated they also discussed this lot with the Town Assessor and made comparisons with another contractor's yard which has been in operation for many years at 193 Drew Hill Road. He stated surrounding properties' values were not negatively impacted and there is no proof of diminution of property values as well as no valid objection from abutters.

Mr. Boldt stated there is no undue nuisance or hazard to pedestrians or traffic. He stated there are adequate sewer and water facilities, it is not a public site and there are no employees. He stated the utilities for the contractor's yard are the same for the house and the property has what it needs. Nothing is going to be sold to the public.

Mr. Boldt stated the proposed use is consistent with the spirit of the ordinance and the master plan; he outlined the points of the master plan which provide for different uses including commercial, in various areas in town. He stated it also reflects a desire to allow property owners to control driveway access; the lack of commercial development is also addressed with a favorable support for this type of development south of the traffic circle. Mr. Boldt stated all eight of the special exception criteria are met.

Mr. Boldt stated there is not traffic coming and going from this site; there is only equipment leaving when Mr. Goodrich leaves; all the vehicles are parked on the north side of the driveway. Vehicle maintenance will not be done on site so there are no concerns about waste oils. The plans for dust and erosion control include a large area in the yard for absorption; ledge pack has been put down where the vehicles are parked.

Mr. Boldt presented a video which addresses the concerns raised by abutters in regard to noise; he stated the video depicts a loader running and it's not a valid objection.

Mr. Morgan asked about the April 7 report from the assessor. Mr. Boldt explained that compares the Drew Hill Road contractor's yard for comparison; it is not just this lot where values haven't declined but other contractor's yard have not impacted property values. Mr. Morgan noted the NH DOT letter indicates if there is a change in the use of the property, improvements and a driveway permit may be required; he asked if this

application is approved, will a new driveway permit be required with NH DOT. Mr. Boldt stated not, the NH DOT representative inspect the current driveway and the current use is acceptable. Mr. Rich stated the use was originally a residence; the use was changed six years ago to the contractor's yard; he noted the letter indicates no permit was ever granted. Mr. Boldt stated the NH DOT representative viewed the existing driveway and the existing use; he suggested they can have clarification of this letter as condition of approval, but he is sure the current driveway is fine; the driveway has not been changed in any way from the time the applicants purchased the property. Mr. Boldt confirmed NH DOT has seen what is there and the letter is clear that no further NH DOT approval is necessary. Chair Lee stated the Right-of-way in this area is the controlled access; it is permitted as long as there are not multiple access points on the highway.

Mr. Rich confirmed the values of surrounding properties are the assessed valued. Mr. Boldt stated the values are based on the Town's assessments over the years from 2015 to present. He stated assessed value is intended to be market value.

Mr. Hepworth noted the information doesn't show the values that have increased relative to this property or abutters. Mr. Boldt stated the public records show there is no diminution of values. There was discussion about the rate of increase on the properties.

Mr. Hepworth stated the presentation began with the statement that the use for this lot is simply a parking lot however he saw dump trucks and excavators running in the video. Mr. Boldt stated the video showed a level of noise which they won't actually be doing on the lot; it was proof to show the equipment operates and at what level of noise. Mr. Goodrich stated Mr. Monzione had an issue with diesel engines; he stated the video was to show that the diesel engines are quiet, whether coming and going or operating. Ms. Nicaastro stated if they are using equipment on their lot, they are doing work on their personal property; work and business is only being done by the equipment when off the property.

Chair Lee asked if anything has changed since the site walk. Mr. Goodrich stated nothing has been added and confirmed the only noise is when equipment is being moved from the lot. Chair Lee asked if there is an intent to level out the lot. Mr. Goodrich stated they are filling in the lower side of the yard and trying to level their yard which anyone can do on their property within the setbacks.

Chair Lee noted a list of eight items for mitigating the concerns was presented at the last hearing and asked if those will be done. Mr. Boldt stated they have met all the criteria and it would not be fair to require additional costly measures. He stated the applicants are entitled to be treated fairly and he wants to be sure that point is clear.

Chair Lee confirmed they believe the vegetative buffer is adequate. Mr. Boldt stated that is correct; some stone wall has been added where the vehicles are parked as well.

Chair Lee opened the public hearing to input from the public in favor of this application.

John Chamberlain, resident, stated he is another contractor in Town; he questioned why one is being shut down and stated there are many others in Town; he stated lawnmowers are louder than dump trucks

Maureen Kalfas, resident, stated she has worked with Mr. Goodrich for many years; she questioned whether any abutters have ever filed for tax abatements because of noise from this property or is this a new issue which has arisen.

Don Goodrich, father of the applicant, stated he moves heavy equipment around in the area; he stated he can get his trailer truck up the driveway, turn it around, load the excavator and safely get back onto the road while there are many contractor's yards where he cannot safely load and unload. He stated he mows the fields around the property but has never had any noise complaints even when he was right at the property line with the tractor and mower.

David Avery, abutter, stated he was allowed to have a contractor's yard about eight years ago; he stated Mr. Goodrich's lot doesn't look bad compared to many contractors' yards; he stated he owns lots 193 and 195 and is looking to sell as the value are significantly higher than just a few years ago, being valued at nearly \$700,000. He stated Mr. Goodrich's property has also increased in value; he stated many contractors and small businesses to Alton because they are business friendly and wants the Board to keep in mind the business and increase in taxes that they bring to the town.

A resident noted that factual evidence of a decline in property values has to be presented in order to be valid; he stated to date none has been presented.

Joe Macdonald, resident, stated the driveway was put in as access to the lot when the highway was put in; he stated he doesn't see why NH DOT would have any problems as it was originally built to their specifications.

Mike Currier, resident, stated Mr. Goodrich does good business in Town.

Bob Barnett, abutter, stated Mr. Goodrich is a good businessman; he stated the only noise he has heard is when the dump truck tail gate slams; he stated since a few months ago he made note of how often that is heard and he's only heard it once in that time.

Chair Lee opened the public hearing to input from the public in opposition of this application.

Paul Monziona, abutter, stated he spoke in opposition to this application at the last public hearing; he stated he is very familiar with how this Board makes decisions and to suggest that the Board wouldn't make a fair decision has no factual basis. He stated this Board makes decisions based on whether criteria is met, regardless of who is applying and who is objecting. Mr. Monziona stated he wasn't able to speak when the Board granted the request for a rehearing as he recused himself; he stated in granting this rehearing, the Board did so even though all the criteria was not met for a rehearing. The applicants needed to prove that the decision was wrong and unreasonable; the request for rehearing did not meet that burden and he doesn't believe this rehearing should be taking place. He stated the Board was asked to strike comments from Mr. Holway from the record because they weren't made at the right time; he clarified public had been closed but Mr. Holway requested permission, permission was granted by the Board and those comments should not have been stricken.

Mr. Monziona stated in regard to diminished value, there doesn't have to be an appraisal of the properties and he outlined the statement of appeal process which indicates personal feelings and opinions are not considered. Mr. Monziona stated he submitted a report from a qualified appraiser who laid a basis for reaching his opinion. He stated it's a commonsense thing that a house situation in close proximity to a contractor's yard, in comparison to an identical house, will not have as high a value. He stated there is ample evidence that market value will be adversely affected by the presence of the contractor's yard. He

stated at the last hearing, Mr. LaRochelle asked what was going to take place and it was indicated at that time that the intent was to bring trucks in, load and unload materials. He stated tonight it was indicated that there won't be an activity as such on the property. He stated in regard to the audio/video presented, he has never seen a dump truck or excavator operating that didn't make a lot of noise in the process of operation; it is noisy when the buckets hit boulders and the dump truck tail gate slams. He stated more specifics are needed of what is actually going to be going on at the lot; he stated he doesn't have a problem with a truck parking there at night but it is all the other noises of digging and excavating. If it's only going to be parking the dump truck and excavator, then he doesn't have a problem with that if its limited to that; but it is the first time he is hearing this.

Mr. Monziona stated he wants to see business supported in a way that doesn't damage the values and the rural character of the Town. He stated from what the applicant described, the kind of commercial use could devalue the property and abutting properties. He stated there has been a valid objection; the intent is not in line with the master plan and if it is anything more than the parking of vehicles, the applicant should be very specific on what is going to be done on the lot; he stated conditions should also be placed on it that are very specific as to what is allowed or not allowed.

William Holway, resident, stated he is not a direct abutter but is 20' from being one; he outlined his property on the maps presented and stated the tree line indicated as a buffer is what runs along his line. He stated he does hear the dump truck tail gate slam; he explained there is a stream along the line, it goes through David Hayes property, across Mr. Goodrich's lot and then goes into his property, across the street and into Merrymeeting River. He stated while maintenance is done off property, if there are dump trucks, excavators and any other equipment leaking into the ground which will get into Merrymeeting. Mr. Holway stated he gets a letter every year from the campground owner across Route 11 indicating he is concerned about contamination of his water table.

David Hayes, abutter, stated he owns the right-of-way along the lot; he stated he is worried about the noise which has happened in the past but that's not shown in the video. He stated he is mainly concerned with the value of his property; when he purchased his property eight years ago and he saw nothing but farm land on both sides but now he sees all that equipment.

Chair Lee closed the hearing to public input.

Mr. Dever clarified that should approval be granted, the applicants will still need to go to the Planning Board for a site plan approval; many issues will be raised there as well.

Mr. Boldt stated the 1981 plans which create Mr. Hayes and Mr. Goodrich's lots clearly shows the stream. He stated opinions have been received from two assessors; he stated Mr. Underwood's opinion was the clinch pin in the Eversource Northern Pass case and his opinion at that time was that there would be no diminution or effect on property values due to the line. Mr. Boldt stated he doesn't understand how a small contractor's yard on this large lot, could garner a contrary opinion from Mr. Underwood. He stated he's happy to hear that Mr. Monziona really has no objection if they are doing what they say they are doing, and they can give a list of vehicles but it may need to be fluid as machinery cycles through. He stated it is not intended to be a yard that takes large quantities of materials, but they can certainly use their equipment to do work on their property as everyone has a right to use their property within the confines of the law.

Mr. Rich stated at the first hearing, he recalls there were piles of rocks on the lot to the far left, the next pile is rocks and loam; he asked what the third pile is. Mr. Goodrich stated its fill, it came from behind the barn and it's going to be placed on the lower side of the lot. Mr. Rich asked if materials have been brought in. Mr. Goodrich stated some materials have been brought in at the end of the day but it's being repurposed and used on the lot. He stated they are pretty much just parking on the lot. It was clarified full loads are not coming and out of this site; materials come in but are being used on the property for fill and projects. More materials are not being brought in unless needed for the lot itself; the intent is to load the excavator and leave with the truck and trailer then come back at the end of the day. The only time noise is being created by equipment is when the applicants are doing work on their own property.

Mr. Rich asked for confirmation that only Mr. Goodrich's equipment will be stored there. Mr. Goodrich stated that is correct; a crane that was on the site has since been removed; he stated he is fine with a condition that only his equipment, owned or leased, is allowed to be stored on his property.

Discussion – Case #Z21-29

The Board must find that all the following conditions are met in order to grant the Special Exception:

Mr. LaRochelle stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B.

Mr. Hepworth stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B.

Mr. Morgan stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B.

Mr. Rich stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B.

Chair Lee stated that a plat/plan **has** been submitted in accordance with the appropriate criteria in the Zoning Ordinance, Article 520.B.

Mr. Hepworth stated the specific site **is** an appropriate location for the use. He stated he believes it is appropriate for the use if everything the applicants say they will do, is done. He stated in the previous cases of a contractor's yard, applicants made every attempt to not disturb neighbors, askew the view of their property and there were no objectors so approval was granted. If this is a site to park vehicles that would be reasonable but there are three objectors although he is inclined to look out for small businesses as long as what is done is as presented.

Mr. Morgan stated the specific site **is** an appropriate location for the use. He stated he agrees the site is appropriate if the use is as presented and the only vehicles and equipment parked are those owned or leased by the applicant; and as long as no full loads are brought in or out of the yard. Anything that changed the use to more retail would not be appropriate.

Mr. Rich stated the specific site **is** an appropriate location for the use based on the condition that all the things Mr. Morgan outlined are conditions for use.

Chair Lee stated the specific site **is** an appropriate location for the use based on the conditions of the vehicles and equipment being owned or leased by the applicant.

Mr. LaRochelle stated the specific site **is** an appropriate location for the use. He stated the location has a

natural protective buffer around the property; it's on a major route and not going through a secondary road; it won't cause traffic going back and forth in front of properties on New Durham Road.

Mr. Morgan stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated letters have been received from dually realtors, assessors and the assessing office with opinions expressed both in favor and opposition but he doesn't see any factual evidence has been presented.

Mr. Rich stated that actual evidence **is** found that the property values in the district will be reduced due to incompatible land uses. He stated this is based on information presented by Mr. Monziona from Mr. Underwood's assessment of the property value.

Chair Lee stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated there are many properties around the town with multiple vehicles and equipment on the lots; he stated this is basically a glorified parking in his opinion and doesn't feel there will be any reduction in value.

Mr. LaRochelle Lee stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated some abutters gave assessments in regard to values, values have been increasing in the last two to three years and he doesn't see this coming back down any time soon. He stated if the property is maintained well, it won't diminish.

Mr. Hepworth stated that actual evidence **is not** found that the property values in the district will be reduced due to incompatible land uses. He stated the evidence about property values going back to 2014 show an obvious increase over time; he stated it's not a well-structured question, but no factual evidence has been shown that the values in the area have been reduced. He stated evidence is not found that surrounding property values will be reduced. *Clarify with Mr. Hepworth per Mr. Rich on 5/5*

Mr. Rich stated there **is** valid objection from abutters based on demonstrable fact. He stated three abutters came forward who have valid objections to what they believe the values of their properties will be reduced and they have demonstrated that their objections are valid.

Mr. LaRochelle stated there **is no** valid objection from abutters based on demonstrable fact. He stated the abutters have a right to their opinions and respects those but from his experience at the site walk, with the slope of the land and his experience hearing the noise, he doesn't see a valid objection. He stated this is not a maintenance yard as all work will be done off the property so there is no concern with relation to the stream.

Chair Lee stated there **is no** valid objection from abutters based on demonstrable fact. He stated every property owner has a right to work in their yard, whether it be a lawnmower, tractor or other requirement noise will be made. He stated there is a noise ordinance that can come into effect if there is excessive noise but everyone has to think about the noise they create in their yard.

Mr. Hepworth stated there **is** valid objection from abutters based on demonstrable fact. He stated three separate abutters have brought noise and environmental concerns; he stated the objections are valid. He stated there was supposed to be communication between the applicants and abutters in regards to mitigating noise and environmental concerns however none appears to have taken place.

Mr. Morgan stated there **is** valid objection from abutters based on demonstrable fact however they don't hold validity to deny the request for a special exception.

Chair Lee stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. He stated counsel clearly laid out the NH DOT

rules and regulations when the driveway was first put in and it was approved by NH DOT.

Mr. LaRochelle stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. He stated the driveway hasn't change and will not change the future; NH DOT has inspected the driveway; the traffic flow won't be any more of an increase than a person coming and going for work so he doesn't believe it will be an undue nuisance.

Mr. Hepworth stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. He stated the lot will be used as a parking lot for the applicants' equipment and doesn't believe there will be undue nuisance.

Mr. Morgan stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. He stated one of the advantages of this site is that it has direct access to Route 11.

Mr. Rich stated there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. He stated it's a direct access to Route 11 so there won't be undue nuisance or hazard to pedestrians.

Mr. LaRochelle stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure. He stated this doesn't change; it will remain a residential home on the property and already has the appropriate facilities on site.

Mr. Hepworth stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure.

Mr. Morgan stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure. He stated additional facilities aren't needed for parking trucks and equipment.

Mr. Rich stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure.

Chair Lee stated adequate and appropriate facilities and utilities **will** be provided to insure the proper operation of the proposed use or structure.

Mr. Hepworth stated there **is** adequate area for safe and sanitary sewage disposal and water supply.

Mr. Morgan stated there **is** adequate area for safe and sanitary sewage disposal and water supply. He stated it is adequate for a construction yard.

Mr. Rich stated there **is** adequate area for safe and sanitary sewage disposal and water supply.

Mr. LaRochelle stated there **is** adequate area for safe and sanitary sewage disposal and water supply.

Chair Lee stated there **is** adequate area for safe and sanitary sewage disposal and water supply.

Mr. Morgan stated the proposed use or structure **is** consistent with the spirit of this ordinance and the intent of the Master Plan. He stated the previous seven criteria have been met and the plans are consistent with the intent of the Master Plan.

Mr. Rich stated the proposed use or structure **is** consistent with the spirit of this ordinance and the intent of the Master Plan. He stated this is based on the seven criteria accepted by the Board.

Chair Lee stated the proposed use or structure **is** consistent with the spirit of this ordinance and the intent of the Master Plan.

Mr. LaRochelle stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. He stated the Master Plan encourages people to have business but to also meet all the criteria and this is what was approved in a warrant article by the people of the town.

Mr. Hepworth stated the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

Mr. Rich made a motion to grant the request for a Special Exception for Case #Z21-29 based the conditions that will be added as discussed:

- **The maximum number of equipment that will be stored on the property at any given time will not exceed 12; the applicant can come back to the Board to request additional.**
- **The use will be confined to the parking of equipment owned or leased by the applicants' company.**
- **No full loads of material will be brought in or out for the business use.**

Mr. LaRochelle seconded the motion. Roll Call Vote: Mr. Rich – aye; Mr. LaRochelle – aye; Mr. Morgan – aye; Chair Lee – aye; Mr. Hepworth- aye. Motion passed, 5-0-0.

Mr. Monziona stated he would be recusing himself from Case #Z22-03.

Mr. Rich stated he would be recusing himself from Case #Z22-03.

Mr. LaRochelle made a motion to appoint Mr. Manning and Mr. Hepworth for Case Z22-03. Mr. Rich seconded the motion. Motion passed, 5-0-0.

(Continued from March 3, 2022 meeting)

Case #Z22-03 Joseph Puzzo, Agent for Puzzo Family Revocable Trust, Dean & Teresa Puzzo, Trustees, Owners	Map 11 Lots 25-53 Lakewood Drive	Special Exception Residential Rural (RR) Zone
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A **Special Exception** is requested IAW **Article 400, Section 401 D. 16.** of the Zoning Ordinance to permit a Commercial Function Facility as defined in the Zoning Ordinance.

The Board reviewed the application for completeness.

Mr. LaRochelle made a motion to accept the application for Case #Z22-03 as complete. Mr. Hepworth seconded the motion. Motion passed, 5-0-0.

Joseph Puzzo, applicant, stated they are looking to use the property as an occasional event venue; he stated he received a lot of letters of opposition but there was also a lot of confusion about what is being proposed.

Mr. Puzzo stated he wants to build a barn with an apartment upstairs; he plans to live in it himself, 95% of the time. He stated he has many friends who are getting married in the future and have asked to use his barn for this purpose. He stated he doesn't want a venue that operates seven days a week; there will be no signage and plans for a couple weddings per year and is willing to work with the Board with conditions to address the concerns of abutters in opposition.

Mr. Puzzo stated it will be an indoor facility; it will be used only occasionally; a full capacity event would be around 80 to 100 people; the property can easily hold the 34 vehicles referenced on the map; events will be limited to weekends; traffic on Lakewood would not be impacted as it would be occasional traffic a few times a year; food on the property will be catered. He stated he is also interested in discussing the use of the property for other uses such as paint nights and robotics gatherings.

Mr. Puzzo outlined the lot in relation to a 30 acre Lakewood subdivision referenced in the plans presented; he also presented pictures of the lot; he clarified it is not part of the Lakewood Association. He stated his lot is 10 acres and presented plans indicating the location of the proposed barn which would be at the center of the lot. A copy of the septic design was presented along with a plan showing the 34 parking spaces. Mr. Puzzo stated the parking would be along a tree line, buffered by a hill which would block headlights.

Mr. Puzzo stated the proposed barn would be 70' by 40' with an apartment above; all nearby residences are separated by woods. He referenced the plans recently approved for a similar property and project on Avery Hill Road. He stated music will be restricted between 10:00AM and 10:00PM.

Mr. Puzzo presented a topographical map showing the lot and proposed barn location at the center of the lot with the road access to Lakewood Avenue, noting the barn would not be visible from the road.

Mr. Puzzo stated there won't be any real impact on traffic; noise is mitigated by the size of the lot and distance from abutting residences; property is close to Rand Hill Road and Route 11 for easy access; the parking will be 100' from the barn.

Chair Lee asked the height of the structure. Mr. Puzzo stated it is 30' and doesn't go above the ordinance restrictions.

Chair Lee asked for clarification on the number of events. Mr. Puzzo stated no more than 15 events per year and no more than two per month but he is happy to discuss this further.

Chair Lee noted there would also be trucks and vehicles for the catering. Mr. Puzzo stated the property on Avery Hill Road also has catered food and cannot prepare food on the premises, but he has not heard of any impact to the property values or the traffic with respect to catering. He stated he plans to live full time in the apartment; he also confirmed there would be no permanent signage for the facility.

Mr. LaRochelle asked if there would be a garage or parking indoors for Mr. Puzzo. Mr. Puzzo stated he could park a vehicle in the barn when there isn't an event.

Mr. Puzzo clarified he is not looking to change the zoning but is looking for a special exception to allow a commercial use on a residential lot. He stated he could build the barn and left friends and family use it for events but he wants to be sure he does this legal in the event he charges a fee for use.

Mr. Puzzo stated the barn is rated for an 80 person capacity the septic design was made to meet the need for that capacity as well as five bedrooms. He will be discussing the water supply with the Planning Board but there is a proposed well rated at 50 gallons per minute. He stated he believes the water supply will be adequate.

The Board asked if alcohol will be served on the property. Mr. Puzzo stated it will be, just as it is at the

property on Avery Hill where people are brought in to serve, who have liquor licenses.

Mr. LaRochelle asked how far the parking area is from the road. Mr. Puzzo stated it would be about 500' back and surrounding by woods, facing the existing paved driveway.

Mr. Morgan asked if a police officer would be required for events. Mr. Puzzo stated he discussed this with the owner of the venue on Avery Hill Road and she indicated no police officer is needed to be present during an event. He confirmed his events would end by 10:00PM.

Chair Lee opened the public hearing to input from individuals in favor of the application.

Peter Propy, resident, Lakewood Drive, submitted a letter in support of the application; he stated he is one lot away from being a direct abutter and Mr. Puzzo is his nephew. He stated Mr. Puzzo is going to be making a substantial investment in the property and wants to go through all the proper channels. He stated with the size of the property, there is potential for further subdivision but with this proposal, there is far less impact to the area.

Chair Lee opened the public hearing to input from individuals opposed to the application.

David Reizomarie, resident on Lakewood Avenue, member of the association, stated the Avery Hill property had the closest house ½ mile away while this project is in a densely populated area. He stated the road is a small residential road, no center line or fog lines and no place for off street parking with people walking and jogging on the roads. Mr. Reizomarie stated he doesn't like the idea of a venue having weddings every couple of weeks; it will change the nature of the subdivision dramatically. He stated is concerned about safety, the intersection of the proposed driveway with Lakewood Avenue; it's entirely possible a police officer is needed to direct traffic during events. He asked where overflow parking would go; he stated if it was just going to be Mr. Puzzo's friends, it wouldn't need to be a commercial venue but once the special exception is granted, there won't be a limit to the events there. Mr. Reizomarie stated Mr. Puzzo also has the burden to show there won't be a diminution of property values in the area but that has not been shown. He asked if the Fire and Police Departments had input on how this will affect the area.

Jen McCullough, resident, stated she is concerned about the increase in traffic; she stated her house is directly across the street and the nature of weddings is that all the traffic comes and goes at the same time. She stated she is a real estate agent and any advertisement for properties in Lakewood depicts it as a rural residential development. Ms. McCullough presented comparisons with other neighborhoods including Ingalls Woods; she stated this commercial property would take "neighborhood" out of the neighborhood. She stated a wedding venue most definitely will affect property values; she stated there are no sidewalks and noted if this was to just be for a few of Mr. Puzzo's friends, this process would not be needed.

Daniel Crozier, resident, stated his is diagonally across the street from Mr. Puzzo's lot. He asked for clarification about how the events will be "indoors" when the point of having an event at a barn overlooking the lake is to be outdoors; he asked if this is a way to accommodate Mr. Puzzo's friends or will it be a commercial enterprise. Mr. Crozier stated he is concerned about the noise and the danger of that section of Lakewood Drive with sharp turns to the left and right as well as a blind drive. He noted there are no fire hydrants on the Lakewood Drive. He stated he is very opposed to this project.

Charles Collins, resident, stated he is nearly a direct abutter and the impacts of the events will most definitely affect them; he stated some of the things in the last case would seem to apply here as well noting the music and noise of the events would change the neighborhood. Mr. Collins stated the plans include flood lights for the parking lot and to him that is light noise. There will also be a significant increase in traffic; he stated property owners have rights but they can only do what they want to the point it affects your neighbors. He stated unless there is a good reason and benefits to all, he doesn't see why the exception would be granted and stated this needs to be looked at as an ongoing commercial venture.

Louis Amico, abutter, stated he submitted a letter and is in agreement with all the comments made in opposition; he stated the covenanted association has a lot of restrictions so it would not be a commercialized community and that is what makes Lakewood Estates unique; it is residential neighborhood they bought into from the beginning. He stated the property is right in the middle of Lakewoods Estates and cannot be accessed without going through the community; he stated even two events per month is too much. Mr. Amico stated he would not object to the project if access could be found without going through the community.

Lisa Pardington, resident, stated as vehicles come down Lakewood Drive, the headlights shine directly into her home; she stated this project will diminish their property values, it's not in line with the spirit of the ordinance and it changes the essence and character of the neighborhood.

Mary Michaud, resident, stated she is on the top of the hill on Lakewood Drive and the curve is at her property; she has had vehicles end up in her front yard and her mailbox hit many times; she stated she has concerns about the added traffic going up and down the hill. She stated she specifically bought her home in this development because she wants the quiet neighborhood, and she is concerned about traffic on the weekend in the summer. Ms. Michaud stated she is not in favor of this project.

Susan Crozier, resident, stated if Mr. Puzzo is committing to only twice per month, that is 100 people per event is 2400 people a year going through the area which is more than the entire development. She asked who is going to control the security at an event where alcohol is being served and whether there will be a commitment to the limit of people.

Conrad King, resident, stated once a business is started, it opens the door for problems and there could be problems with the liquor, sanitation, traffic. He stated no one has so many friends to do this number of events so it is a business.

Joe Princepato, resident, stated he doesn't see how this facility will promote the general health or welfare of the public; it's a neighborhood and not the place for this type facility. He stated a commercial property won't be limited to weddings and questioned how they would ensure they are doing what they said they would. He stated there's not going to be 34 cars; there will be a minimum of 50 if there are 100 people; there will also be requirement and trucks moving in and out. He stated he is also concerned about the traffic exiting onto Route 11; as there won't be any real signs, what will happen when people get lost.

Sarah Hill, resident, stated her biggest concern is safety for pedestrians on the street, walking at night and the impact on the wildlife in the area. She stated she likes having the security of knowing all her neighbors but the thought of having many people driving through frequently, perhaps every weekend and after drinking alcohol, is very concerning to her. She stated she would not have purchased her home if she knew something like this would be in the area.

Dan Roche, resident, stated he has been in the neighborhood for 15 years; he stated it is unique and quiet which is something all the residents enjoy. He stated the property is going to be built on Puzzo Trust Land so isn't worried about what will happen on the land in the future such as condos or development. Mr. Roche stated it's not a fair comparison to the Avery Hill Road property; he stated the use of the property is a concern as only wedding events doesn't seem like a viable option. He stated once it is opened up to commercial business, there is nothing they can do to control it after approval, but Mr. Puzzo can certainly have a few weddings for his friends on his property without making it commercial.

Tamara Loulace, resident, stated she is very concerned about the safety of children and residents in the neighborhood when party attendants are leaving after drinking alcohol. She stated there are also concerns about how the neighborhood would change if the area was brought up to standards for a commercial property including a water cistern. She is concerned about increased noise as well; the street is not designed for heavy traffic and there are no streetlights; the lights from the parking lot will create noise pollution. She stated she chose to live where she lives because it is remote and not surrounded by commercial properties; there is not adequate water supply should the fire department have to respond to a fire in the area. Ms. Loulace stated for just one event, that is 34 cars going up the road as well as the vendors and caterers which causes a hazard for the residents and pedestrians in the area. She stated Lakewood was always designed to be a residential area and doesn't believe commercial development in this area is part of the Master Plan.

Bud Newhouse, resident, stated he agrees with all the previous comments; he stated everyone who lives in the area enjoys the remoteness, dark skies and quiet atmosphere and they don't want to lose it.

Brian Sullivan, seasonal resident, stated he loves the quiet of the area and his concerns are the same as previously mentioned including the increase of traffic, noise and doesn't want to lose the quietness he has at night.

Chair Lee closed the hearing to public input.

Mr. Puzzo stated he has responses to the objections; he stated he understands their concerns and after doing research he learned there were conditions which the approval could include.

Mr. Puzzo suggested limiting the number of events to 10 per year; he stated that would be 6 events across the summer months. He stated the parking is not 50 spots as mentioned but the parking lots can certainly be limited; some venues also offer shuttles which would limit the traffic even more.

Mr. Puzzo stated he has had a 200 person wedding at their current residence and never had a problem; they have also had other parties over the years and no problems with those. He stated he doesn't want it to be obvious that there are weddings and events going on.

Mr. Puzzo stated the Fire and Police Departments submitted reports indicating there are no concerns from either, after reviewing the proposal.

Mr. Puzzo stated there are only three direct abutters on Lakewood Drive and those abutters were not in opposition.

Mr. Puzzo stated the 10:00AM to 10:00PM reference to the noise hours was not an indication that parties

would last that long but rather that is the noise ordinance time frame.

Mr. Puzzo stated he is only here because he doesn't want to do anything illegal such as taking money for an event which would then be defined as commercial. He wants to be sure he can do a limited amount of events for his friends. He stated he is not looking to make a living doing this but he needs a place to live and wants to be able to help pay the property taxes.

Mr. Puzzo stated the light pollution would not bleed out as it is recessed back in the 10 acre lot; there are woods and the area lit would be set down. He stated the covenants for the Lakewood Association do not apply as the land is not part of the association. He stated he believes the proposed plans meet the special exception criteria.

Mr. Puzzo stated his family has been in the area for 13 years, there have been parties before with no problems in the past and he doesn't want to cause any problems so that is why he is agreeable to the conditions for approval.

Mr. LaRochelle stated he is still concerned about whether there is going to be an adequate water supply. He suggested more research needs to be done to ensure enough water supply is available for this type of situation. He also suggested more research needs to be done for having a venue like this without fire hydrants, street lighting and going through a residential neighborhood and determine the impact on the roadways. Mr. Puzzo stated he looked into having a traffic study, but it is very costly; he did his own independent research.

Mr. Morgan noted 34 parking spaces are indicated on the plans however parking capacity is determined by the Planning Board; he noted there was a comment about where overflow parking would go so it is a concern and it would not seem that the parking is adequate. He stated he is also concerned that a traffic study was not done, and it would be helpful. Mr. Puzzo stated a traffic study was not required but he agrees it would be good information to have. He stated overflow parking could be handled by a shuttle vehicle. Mr. Morgan noted it is a mistake for him to use another case a precedent as the Zoning Board takes each case on its own merit.

Mr. Puzzo stated were he able to gather more information, he believes all the criteria are met for the exception. He stated if this is approved, he would be okay with limiting the events to 10 per year.

Chair Lee stated information is lacking on this case; he stated if they go through the worksheet and a decision is made, it is done at that point. He suggested this would be the time to request a continuance to gather more information.

Mr. Puzzo stated he would like to have a continuance in order to have the studies done but if he receives the results and doesn't want to move forward, he will indicate such to the Board and the association.

Mr. Morgan made a motion to continue Case #Z22-03 to Thursday, June 2, 2022 at 6:00PM. Mr. LaRochelle seconded the motion. Motion passed, 5-0-0.

Chair Lee stated it is 10:05PM and no new cases are started after 10:00PM.

NEW APPLICATIONS

Case #Z22-04 Sean Sicard, Agent for John Jeddrey, Owner	Map 12 Lots 16 Wolfeboro Highway	Special Exception Residential Rural (RR) Zone
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A **Special Exception** is requested to **Article 400, Section 401 D. 17.** of the Zoning Ordinance to permit a Contractor's Yard as defined in the Zoning Ordinance.

Mr. Morgan made a motion to continue Case #Z22-04 due to the lateness of the hour and the Board's rules, to Thursday, May 5, 2022 at 6:00PM. Mr. LaRochelle seconded the motion. Motion passed.

OTHER BUSINESS

1. Previous Business: Discussion of election results.
2. New Business:
 - a. NHMA to hold free virtual workshops for newly elected and/or experienced members on April 5th and May 17, 2022, from 9:00AM to 4:00PM.
 - b. NH Office of Planning & Development to hold free virtual workshops for their annual Planning & Zoning Spring Conference, which will be held on April 30 and May 7, 2022, from 9:00AM to 12:00PM.
 - c. Mr. Dever stated the Board needs to vote on a representative for the Zoning Amendment Committee. He

3. Approval of Minutes: ZBA meeting minutes of March 3, 2022 – **Mr. Morgan made a motion to approve the minutes as presented. Mr. LaRochelle seconded the motion. Motion passed.**

4. Election of Officers:

Mr. Morgan made a motion that Tom Lee continue as Chair of the Zoning Board of Adjustment. Mr. Rich seconded the motion. Motion passed.

Mr. Rich made a motion that Paul Monzione continue as Vice Chair of the Zoning Board of Adjustment. Mr. LaRochelle seconded the motion. Motion passed.

Mr. Monzione made a motion that Frank Rich continue as clerk for the Zoning Board of Adjustment. Mr. Morgan seconded the motion. Motion passed.

5. Correspondence: None.

ADJOURN

Mr. Rich made a motion to adjourn. Mr. LaRochelle seconded the motion. Motion passed.

The meeting was adjourned at 10:20PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary